REMARKS

Claims 1-6 and 8-15 are pending in the present application. The Office Action and cited references have been considered. Favorable consideration is respectfully requested.

Applicant notes with appreciation the indication that claim 8 would be allowable over the prior art if rewritten in independent form.

Claims 1-6 and 9-15 were rejected under 35 U.S.C. §103 as being unpatentable over Piasecki et al (U.S. Patent No. 5,117,453) in view of Wang (U.S. Patent No. 6,606,311). This rejection is respectfully traversed for the following reasons.

Claim 1 recites a digital telecommunication station operative in a telecommunication network, the network comprising at least two different transmission paths between the telecommunication station and at least one other element in the network, each path comprising a different link between the telecommunication station and the at least one other element in the network. The telecommunication station comprises at least one detector operative to receive at least two different types of signals, each associated with a different class of quality of service and to distinguish, for each received signal in its entirety, the type of signal to which it belongs, at least one switch controlled by one of the at least one detector, operative to channel signals received in accordance with the distinction made by the at least one detector, a first transmission means operative to transmit received signals along a first one of the at least two different transmission paths. Responsive to the channeling by the at least one

switch, signals of at least one other type selected from among the at least two different types of signals and associated with a lower class of quality of service are diverted from the first transmission path. The telecommunication station further comprises a second transmission means operative to transmit the diverted signals along a second one of the at least two different transmission paths. Claim 13 recites a method for transmission of telecommunication signals of at least two different types each associated with a different class of quality of service between a telecommunication station and at least one other element in a network along at least two transmission paths, the transmission paths each comprising a link between the telecommunication station and the at least one other element, the method comprising determining to which of a plurality of types of signals each of the signals received belongs and distinguishing therefrom signals associated with at least one class of quality of service different from entire signals associated with at least one other class of quality of service, based on the step of determining, diverting each entire signal associated with said at least one class of quality of service from a first one of the transmission paths along which each entire signal associated with at least one other class of quality of service is transmitted, transmitting the each entire signal of the at least one other class of quality of service along the first one of the transmission paths, and transmitting each entire diverted signal along a second one of the transmission paths. These features are not taught, disclosed or made obvious by the prior art of record.

The remarks submitted in the previous amendment are incorporated herein by reference. Additionally, Applicant respectfully submits that the amended

claims are patentable over the prior art of record because the prior art does not teach or suggest the apparatus and method recited in claims 1 and 13.

Applicant agrees with the Examiner that Piasecki fails to explicitly teach and/or suggest a) associating each signal with a different class of quality of service and b) to distinguish, for each received signal in its entirety, the type of signal to which it belongs and fails to teach and/or suggest c) a plurality of communication paths and d) to divert signals based on the class of quality of service with which they are associated (page 3, lines 6-9, of the Office Action).

The Examiner has acknowledged this and cites Wang as allegedly teaching these features. However, the present application is a national stage of PCT application PCT/IL00/00355, filed June 18, 2000, and claims priority to Israeli patent application no. IL 130711, filed June 30, 1999. The Israeli patent application is in English. See the certified copy of the priority application filed on December 31, 2001. Wang claims priority of U.S. provisional application 60/130,142 that was filed before the priority date of the present application, on April 20, 1999. Thus, the subject matter that could be applied against the present application is that which is included in this provisional application. However, Applicant respectfully submits that the above-mentioned four features that are not taught or suggested by Piasecki (and for which Wang was cited by the Examiner), are not taught or suggested by the provisional application of Wang.

Specifically, Wang is specifically directed to "QoS architecture for a wireless system is defined including ….multiple LAC/MAC instances of different classes for supporting various QoS requirements" (P. 8, top of 2nd bullet).

Thus, there is no way for Wang to divert traffic based on the class of QoS associated with the type of the signal (to which Wang is indifferent), which is one of the main points of the present invention. Rather, Wang suggests forwarding traffic based on the MAC/LAC class: "In the infrastructure, forward traffic are directed to a LAC/MAC instance of the same QoS class as classified by the QAS entity". (P. 8, 3rd bullet). MAC being "Media Access Control" and LAC "Link Access Control" (the abbreviations are given at the bottom of P. 8).

According to Wang, since "Each LAC/MAC class supports a list of QoS parameters…The two sets of physical channels, one for the qualitative and the other for the quantitative support, may be separately reserved for each CAC/MAC class" (P. 7 last two bullets).

Furthermore, "the classifying of IP traffic flow to a certain CDMA QoS class" (P. 3 3rd bullet) does not suggest in any way that the classification is made based on the type of that IP traffic flow, but all that can be derived from that statement is that the IP traffic flow is classified to a certain QoS class, which could be the urgency of the traffic, the congestion at the path along which the IP traffic flow is conveyed, etc.

In short, Wang does not distinguish for the received signal in its entirety the type of signal to which it belongs, and forwarding the traffic as described by Wang is made according to the LAC/MAC classes, while both two sets of physical channels

mentioned at page 7, last bullet, are reserved for each LAC/MAC class (as opposed to the present invention where each of the paths is used for conveying signals of different class of QoS, and not for different type of QoS parameters, *i.e.*, qualitative vs. quantitative).

Therefore, at best Wang should be considered as teaching away from the present invention, as this publication specifically directed to the forwarding of traffic according to a completely different approach then the one applied by the present invention.

Finally, as was previously stated on quite a number of occasions, the Applicants do not claim to have invented the diversion of traffic (*e.g.*, IP packets) based on the QoS associated with the packets themselves (*e.g.*, classifying an IP traffic flow to a certain CDMA QoS class", but there has been nobody before them to have described the diversion of signals based on the class of the QoS associated with the type of the received signal (*e.g.*, to which these packets belong).

For at least these reasons, the rejection based on the combination of Piasecki and Wang cannot be maintained.

For at least these reasons, Applicant respectfully submits that claims 1 and 13 are patentable over the prior art of record, whether taken alone or in combination as proposed in the Office Action.

Claims 2-6, 9-12 and 14-15 depend from and include the recitations of claims 1 and 13, respectively. Applicant respectfully submits that these claims are

patentable in and of themselves and as they depend from and include the recitations of claims 1 and 13, respectively, for the reasons discussed above.

In view of the above amendments and remarks, Applicant respectfully request reconsideration and withdrawal of the outstanding rejections of record. Applicant respectfully submits that the application is in condition for allowance and early notice to this effect is most earnestly solicited.

If the examiner has any questions, he is invited to contact the undersigned at 202-628-5197.

Respectfully submitted,

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